



House of Representatives

General Assembly

File No. 129

January Session, 2013

Substitute House Bill No. 6401

House of Representatives, March 25, 2013

The Committee on Energy and Technology reported through REP. REED of the 102nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE AND INTERNET PROTOCOL-ENABLED SERVICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) For the purposes of this
2 section:

3 (1) "Interconnected voice over Internet protocol service" means any
4 service that (A) enables real-time, two-way voice communications that
5 originate or terminate from the user's location using Internet protocol
6 or a successor protocol, (B) uses a broadband connection from the
7 user's location, and (C) permits users generally to receive calls that
8 originate on the public-switched telephone network and to terminate
9 calls to the public-switched telephone network; and

10 (2) "Internet protocol-enabled service" means any service, capability,
11 functionality or application provided using Internet protocol or a
12 successor protocol, other than interconnected voice over Internet

13 protocol service, that enables an end user to send or receive a
14 communication in Internet protocol format or a successor format,
15 regardless of whether the communication is voice, data or video.

16 (b) Except as set forth in subsections (c) to (e), inclusive, of this
17 section, and notwithstanding any other provision of the general
18 statutes or any special act, no department, authority, agency,
19 commission or political subdivision of the state shall enact, adopt or
20 enforce, either directly or indirectly, any law, rule, regulation,
21 ordinance, standard, order or other provision having the force or effect
22 of law that regulates, or has the effect of regulating, the entry, rates,
23 terms or conditions of interconnected voice over Internet protocol
24 service or Internet protocol-enabled service.

25 (c) Subsection (b) of this section shall not be construed to affect the
26 authority of the Attorney General to apply and enforce the Connecticut
27 Unfair Trade Practices Act, sections 42-110a to 42-110q, inclusive, of
28 the general statutes, or other consumer protection laws of general
29 applicability.

30 (d) Subsection (b) of this section shall not be construed to (1) affect,
31 mandate or prohibit the assessment of enhanced 9-1-1 fees,
32 telecommunications relay service fees or lifeline service fees on
33 interconnected voice over Internet protocol service or any other voice
34 over Internet protocol service, or (2) affect the authority of the Public
35 Utilities Regulatory Authority pursuant to subsection (a) of section 16-
36 247e or section 16-32e of the general statutes.

37 (e) Subsection (b) of this section shall not be construed to (1) modify
38 or affect (A) the rights, duties, obligations or authority of any entity
39 pursuant to the provisions of 47 USC 251, 47 USC 252, any applicable
40 tariff, or any state law, rule, regulation or order related to wholesale
41 rights, duties and obligations, including the rights, duties and
42 obligations of local exchange carriers to interconnect and exchange
43 voice traffic, or (B) the enforcement and other power of the Public
44 Utilities Regulatory Authority with respect to subparagraph (A) of this
45 subdivision, (2) modify or affect the power of the Public Utilities

46 Regulatory Authority to implement, carry out and enforce such
47 provisions, tariff, rights, duties or obligations through arbitration
48 proceedings or other available mechanisms and procedures, (3) affect
49 the payment of switched network access rates or other intercarrier
50 compensation rates, as applicable, or (4) modify or affect any duty or
51 obligation with respect to the provision of video or cable service by
52 any entity pursuant to chapter 289 of the general statutes or any other
53 applicable law or regulation.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2013</i>	New section
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ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes certain regulatory changes for voice over Internet protocol (VoIP) and related services, has no fiscal impact as it conforms statute to the current practice of the Public Utilities Regulatory Authority.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 6401*****AN ACT CONCERNING INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE AND INTERNET PROTOCOL-ENABLED SERVICE.*****SUMMARY:**

This bill generally bars state agencies and political subdivisions from enacting, adopting, or enforcing any law or other provision having the force of law that regulates, or has the effect of regulating, the entry, rates, terms, or conditions of voice over Internet protocol (VOIP) and related services. VOIP service providers include companies such as Skype and Vonage. In addition, AT&T provides its U-Verse service using VOIP.

This prohibition does not apply to the exercise of existing agency authority in several areas, such as collecting fees for enhanced 9-1-1 service, telecommunications relay service (TRS) for the hearing impaired, and lifeline service (which subsidizes service for low-income customers). Nor does it affect the rights and duties of parties in the wholesale telecommunications market.

EFFECTIVE DATE: July 1, 2013

AFFECTED SERVICES

The bill covers two types of service. The first, "interconnected VOIP service," is one that:

1. enables real-time, two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol;
2. uses a broadband connection from the user's location; and

3. permits users generally to (a) receive calls that originate on the public-switched telephone network and (b) terminate calls to the network.

The second, "Internet protocol-enabled service" is any service, capability, functionality, or application provided using Internet protocol or a successor protocol, other than interconnected VOIP service, that enables an end user to send or receive a communication in Internet protocol format or a successor format, regardless of whether the communication is voice, data, or video.

EXCEPTIONS

The prohibition does not:

1. affect the attorney general's authority to enforce the Connecticut Unfair Trade Practices Act and other consumer protection laws of general applicability or
2. affect, mandate, or prohibit the (a) assessment of enhanced 9-1-1 fees, TRS fees, or lifeline service fees on VOIP services or (b) the Public Utility Regulatory Authority's (PURA) ability to establish a lifeline, TRS, emergency response plans, or universal service program.

The prohibition also does not modify or affect:

1. any entity's rights, duties, obligations, or authority under (a) federal telecommunications law, (b) any applicable tariff, or (c) any state law or order related to wholesale rights, duties, and obligations, including the rights, duties, and obligations of local exchange carriers to interconnect and exchange voice traffic;
2. PURA's enforcement and other power with regard to the above;
3. PURA's power to implement, carry out, and enforce these provisions, tariff, rights, duties, or obligations through arbitration or other available mechanisms and procedures; or

4. any duty or obligation concerning the provision of video or cable service by any entity under any applicable law or regulation.

The prohibition does not affect the payment of switched network access rates or other intercarrier compensation rates, as applicable (e.g., the rates that one telecommunications company charges another for using its facilities).

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 2 (03/07/2013)